

Senate File 64 - Introduced

SENATE FILE 64

BY PETERSEN

A BILL FOR

1 An Act concerning department of administrative services'
2 procedures regarding the designation of individuals as
3 ineligible for state employment and the public solicitation
4 of individuals to fill certain state employment vacancies.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **8A.403 State agency employment —**
2 **designation-of-ineligibility procedures.**

3 1. The department shall only designate an individual
4 as ineligible to apply for; to be considered, referred, or
5 approved for; or to be appointed to employment by a state
6 agency for any of the following reasons:

7 *a.* The individual has knowingly misrepresented facts when
8 submitting information relating to an application, examination,
9 certification, appeal, or any other facet of the selection
10 process for employment by a state agency.

11 *b.* The individual has used or attempted to use coercion,
12 bribery, or other illegal means to secure an advantage in the
13 application, examination, appeal, or selection process for
14 employment by a state agency.

15 *c.* The individual has been convicted of a crime that is
16 shown to have a direct relationship to the duties of the
17 job class or position for which the individual wishes to be
18 considered.

19 *d.* The individual is proven to be an unrehabilitated
20 substance abuser who would be unable to perform the duties of
21 the job class or position for which the individual wishes to be
22 considered or who would constitute a threat to state property
23 or to the safety of others.

24 *e.* The individual is not a United States citizen and
25 does not have a valid permit to work in the United States
26 under regulations issued by the United States citizenship and
27 immigration services.

28 *f.* The individual was terminated from employment by a state
29 agency for creating a hostile work environment.

30 2. The department shall do all of the following upon making
31 a determination that an individual is ineligible for employment
32 as provided in subsection 1:

33 *a.* Notify the individual in writing within five working
34 days following the designation of ineligibility and the extent
35 of the individual's ineligibility for employment by a state

1 agency. The notification shall include information on the
2 process for an individual to appeal, remove, or modify the
3 designation of ineligibility.

4 *b.* Maintain documentation of the designation of
5 ineligibility, the extent of the individual's ineligibility
6 for employment by a state agency, proof of notification of
7 the individual, and any information concerning any appeals
8 regarding the designation.

9 *c.* Upon request by an individual determined to be
10 ineligible, review whether the designation of ineligibility of
11 the individual should be removed or modified and to notify the
12 individual, in writing, if the designation of ineligibility is
13 removed or modified.

14 3. An individual designated as ineligible for employment
15 as provided by this section may file a written appeal to the
16 employment appeal board in the department of inspections and
17 appeals for a review of that designation. The written appeal
18 must be filed with the board within sixty days following the
19 notice of initial designation of ineligibility. The department
20 shall also establish a procedure for an individual, following
21 the time for filing an appeal, to apply to the department for
22 removal or modification of a designation of ineligibility.

23 4. The department shall adopt rules pursuant to chapter 17A
24 to administer this section.

25 Sec. 2. NEW SECTION. **8A.404 Hiring procedures — nonmerit**
26 **system positions.**

27 The department shall establish procedures providing for the
28 hiring of employees by a state agency to positions that are not
29 covered by the merit system. The procedures shall provide for
30 the public announcement of vacancies by the state agency at
31 least ten days in advance of the date fixed for the filing of
32 applications for the vacancies and shall provide for the public
33 advertisement of the vacancies through the communications
34 media.

35 Sec. 3. **DESIGNATION OF INELIGIBILITY — NOTIFICATION**

1 REQUIREMENTS. Individuals designated as ineligible to apply
2 for; to be considered, referred, or approved for; or to
3 be appointed to employment by a state agency, prior to the
4 effective date of this Act, shall be notified, in writing, by
5 the department of administrative services that they have been
6 designated as ineligible and of their rights relative to that
7 designation as provided in this Act.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill concerns procedures of the department of
12 administrative services relating to state employee hiring.

13 New Code section 8A.403 requires the department of
14 administrative services to establish procedures for designating
15 an individual as ineligible to apply for or to be considered or
16 approved for or appointed to employment with a state agency.
17 The bill describes the permissible reasons for designating
18 an individual as ineligible, provides for notice to the
19 individual within five working days following the designation
20 of ineligibility, and requires that documentation of the
21 designation be maintained by the department of administrative
22 services.

23 The bill provides for the ability of an individual to
24 appeal the designation of ineligibility and for the ability
25 of the individual to request that the department review
26 the designation of ineligibility to consider removal or
27 modification of the designation.

28 The bill also provides that individuals designated as
29 ineligible as of the effective date of the bill be notified
30 of this designation by the department in writing and of their
31 rights under the bill.

32 New Code section 8A.404 requires the department of
33 administrative services to establish procedures for the hiring
34 of employees by a state agency to positions not covered by
35 the merit system. The procedures shall provide for public

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1 announcement and advertisement of vacancies.